

### REMARKS

By this Amendment, claims 1 and 13 are amended to merely clarify the recited subject matter. These claim amendments were not presented earlier because they are made to further define the claims based on comments and details first provided in the June 1 Office Action. No new issues are presented by this Amendment because the amendment merely clarifies and makes consistent the language previously included in the rejected claims. Therefore, entry of the claim amendments is requested. Claims 1-24 are pending.

Claims 1-9, 12-21 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Leitch et al. (U.S. Patent No. 6,163,698; hereafter “Leitch”) and Östrup et al. (U.S. Patent No. 6,205,336; hereafter “Östrup”), and claims 10-11 and 22-23 are rejected under 35 U.S.C. § 103 as being unpatentable over Leitch, Östrup and Plaschke et al. (U.S. Patent No. 6,022,622; hereafter “Plaschke”). Applicant traverses the rejections because no combination of the cited prior art references teaches or suggests all the features recited in the rejected claims.

Applicant notes, preliminarily that the Response to Arguments section referred to page 9 of Leitch (a document that only includes a total of eight columns). Hence, some clarification of the prior art rejection must be made if it is not withdrawn as a result of the arguments for patentability provided herein.

Nevertheless, Applicant understands the prior art rejections to be based on the Office’s assertion that Leitch allegedly discloses monitoring control channels including monitoring of any channels in a cell area. Further, the Office Action further asserts that the Abstract of Leitch teaches one of ordinary skill in the art that the channels to be monitored could be voice, pilot or control channels.

Applicant respectfully submits that Leitch, read as a whole, clearly fails to teaches monitoring/allocating control channels. In particular, Applicant directs the Office’s attention to Figure 2 of Leitch and its accompanying description, which teaches that the invention is directed to outbound and inbound channels each of which having a plurality of predetermined time slots available for the transmission of digitized analog signals or digital information. See also, column 5, line 28, which teaches that monitoring is only performed for traffic channels, and column 1, lines 6-9, which discloses that the invention relates to a technique for selecting link setup parameters for a call, that is, a traffic connection.

Therefore, the Office’s assertion that Leitch teaches or suggests monitoring control channels is in error. There is no basis for the Office’s interpretation of Leitch.

A similar deficiency applies to the Office's interpretation of Östrup. That reference discloses hierarchical networks where a terminal selects a resource from the appropriate level of network. However, also refers only to allocation of traffic resources when moving a cell between a macro/micro cell, p.5 1.20-25, for instance.

Therefore, even when combined, the teachings of Leitch and Östrup fail to teach or suggest monitoring/allocating of controls channels.

Furthermore, Plaschke fails to remedy the deficiencies of the combined teachings of Leitch and Östrup because Plaschke merely teaches details of dynamic allocation of wireless communication channels.

Therefore, no combination of Leitch, Östrup and Plaschke teaches or suggests all the features recited in the rejected claims including control channels of the macro cell network being allocated for use in the micro cell network. Accordingly, claims 1-24 are allowable.

All objections and rejections having been addressed, Applicant requests issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicant requests that the Examiner contact Applicant's undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

  
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